

AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY MAY 7, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 948

Introduced by Assembly Member Olsen

February 22, 2013

An act to amend Section 47614.5 of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 948, as amended, Olsen. Charter schools: school facilities: Charter School Facility Grant Program.

Existing law requires the State Department of Education to administer the Charter School Facility Grant Program, provides that the grant program is intended to provide assistance with facilities rent and lease costs for pupils in charter schools, and states the intent of the Legislature that not less than \$18,000,000 annually be appropriated for purposes of the grant program. Existing law requires, subject to the annual Budget Act, eligible schools to receive an amount up to \$750 per unit of average daily attendance, as specified, to provide an amount of up to, but not more than, 75% of the annual facilities rent and lease costs for the charter school. Existing law requires the department, among other requirements, to inform charter schools of the grant program and to determine grant program eligibility based on specified factors, including, among other factors, a charter school's preference in admissions, the geographic location of the charter schoolsite, and pupil eligibility for free and reduced-price meals, as specified. Existing law prohibits funds appropriated for purposes of the grant program from being apportioned

for units of average daily attendance generated through nonclassroom-based instruction, as defined, requires that funds appropriated for purposes of the grant program be used for costs associated with facilities rents and leases, and requires an existing charter school that is relocating to give an admissions preference to pupils who reside in the elementary attendance area into which the charter school is relocating in specified circumstances.

This bill would require eligibility for the grant program to be expanded, as specified, if funds remain after charter schools that meet the existing free and reduced-price meals threshold are funded. ~~The bill would specify the conditions under which funds appropriated for purposes of the grant could be used for the purchase of a facility and its related debt service.~~ The bill would repeal the Legislature's statement of intent that not less than \$18,000,000 annually be appropriated for purposes of the grant program. The bill would provide that, with respect to this program, charter schools would be subject to the provision that generally imposes the requirement of an annual audit on local educational agencies.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 47614.5 of the Education Code is
2 amended to read:
3 47614.5. (a) The Charter School Facility Grant Program is
4 hereby established, and shall be administered by the department.
5 The grant program is intended to provide assistance with facilities
6 rent and lease costs for pupils in charter schools.
7 (b) Subject to the annual Budget Act, eligible schools shall
8 receive an amount of up to, but not more than, seven hundred fifty
9 dollars (\$750) per unit of average daily attendance, as certified at
10 the second principal apportionment, to provide an amount of up
11 to, but not more than, 75 percent of the annual facilities rent and
12 lease costs for the charter school. In any fiscal year, if the funds
13 appropriated for the purposes of this section by the annual Budget
14 Act are insufficient to fully fund the approved amounts, the
15 Superintendent shall apportion the available funds on a pro rata
16 basis.

1 (c) For purposes of this section, the department shall do all of
2 the following:

3 (1) Inform charter schools of the grant program.

4 (2) Upon application by a charter school, determine eligibility,
5 based on the geographic location of the charter schoolsite, pupil
6 eligibility for free or reduced price meals, and a preference in
7 admissions, as appropriate. Eligibility for funding shall not be
8 limited to the grade level or levels served by the school whose
9 attendance area is used to determine eligibility. Charter schoolsites
10 are eligible for funding pursuant to this section if the charter
11 schoolsite meets either of the following conditions:

12 (A) The charter schoolsite is physically located in the attendance
13 area of a public elementary school in which 70 percent or more of
14 the pupil enrollment is eligible for free or reduced priced meals
15 and the schoolsite gives a preference in admissions to pupils who
16 are currently enrolled in that public elementary school and to pupils
17 who reside in the elementary school attendance area where the
18 charter schoolsite is located.

19 (B) Seventy percent or more of the pupil enrollment at the
20 charter schoolsite is eligible for free or reduced price meals.

21 (C) In any year in which additional funds remain after state and
22 federal funds have been allocated to applicants that meet the
23 eligibility criteria in subparagraph (A) or (B), the department shall
24 expand eligibility to additional schools that are eligible pursuant
25 to subparagraph (B) by reducing the free and reduced-price meals
26 threshold one percentage point at a time, but in no case below 50
27 60 percent.

28 (3) Inform charter schools of their grant eligibility.

29 (4) Allocate funding to charter schools for eligible expenditures
30 in a timely manner.

31 (d) Funds appropriated for purposes of this section shall not be
32 apportioned for any of the following:

33 (1) Units of average daily attendance generated through
34 nonclassroom-based instruction as defined by paragraph (2) of
35 subdivision (d) of Section 47612.5 or that does not comply with
36 conditions or limitations set forth in regulations adopted by the
37 state board pursuant to this section.

38 (2) Charter schools occupying existing school district or county
39 office of education facilities.

(3) Charter schools receiving reasonably equivalent facilities from their chartering authority pursuant to Section 47614.

(e) Funds appropriated for purposes of this section shall be used for costs associated with facilities rents and leases, consistent with the definitions used in the California School Accounting Manual. These funds also may be used for costs, including, but not limited to, costs associated with remodeling buildings, deferred maintenance, initially installing or extending service systems and other built-in equipment, and improving sites.

~~(f) Funds appropriated for purposes of this section may also be used for the purchase of a facility and its related debt service under the following conditions:~~

~~(1) The facility purchased shall be used by the charter school exclusively to provide direct classroom instruction.~~

~~(2) The facility shall meet the standards established pursuant to Article 3 (commencing with Section 17280) of Chapter 3 of Part 10.5 of Division 1 of Title 1.~~

~~(3) If the charter school occupying a facility funded pursuant to this section ceases to utilize the facility for the purposes for which funds were provided, the charter school shall dispose of the facility in the manner specified for disposing of charter school facilities pursuant to Section 17078.62, except that references in that section to the State Allocation Board shall mean the department with respect to this subdivision.~~

~~(g)~~

(f) If an existing charter school located in an elementary attendance area in which less than 50 percent of pupil enrollment is eligible for free or reduced price meals relocates to an attendance area identified in paragraph (2) of subdivision (c), admissions preference shall be given to pupils who reside in the elementary school attendance area into which the charter school is relocating.

~~(h)~~

(g) The Superintendent annually shall report to the state board regarding the use of funds that have been made available during the fiscal year to each charter school pursuant to the grant program.

~~(i)~~

(h) The Superintendent shall annually allocate the facilities grants to eligible charter schools no later than October 1 of each fiscal year or 90 days after enactment of the annual Budget Act, whichever is later, for the current school year rent and lease costs.

1 However, the department shall first use the funding appropriated
2 for this program to reimburse eligible charter schools for
3 unreimbursed rent or lease costs for the prior school year.

4 ~~(j)~~

5 *(i)* Notwithstanding any other law, a charter school shall be
6 subject, with regard to this section, to audits conducted pursuant
7 to Section 41020.

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